IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 825 OF 2005

Devraya Sheshgiri Padiyar ..Petitioner
Vs.
Prakash Mohanlal Advani and anr. ..Respondents

Mr. C.G. Patil h/f Mr. S.S. Patwardhan for petitioner.
Mr. Umesh Mankapure for respondent no.1.

**CORAM: B.H. MARLAPALLE, J.**

**Date : March 16, 2007.**

**P.C.:**

1. In Writ Petition No. 4138 of 2006 decided on 24/8/2006 I have taken a view that in the petitions arising from the final decrees passed under the Rent Act or confirmation of the dismissal of the suits under the said Act are the orders passed by the subordinate courts and, therefore, there is a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and when such a statutory remedy is available, a Writ Petition need not be entertained. This petition filed under Articles 226 and 227 of the Constitution also impugns the decree of eviction passed by the Lower Appellate

Court i.e. 1st Ad-hoc Addl. District Judge at Sangali and hence the petitioner has an alternative statutory remedy of filing a Civil Revision Application.

2. The petition is, therefore, disposed with liberty to file a Civil Revision Application. The order of stay granted on 21/2/2005 will continue for a further period of three weeks. Annexures be returned on application. If such a Civil Revision Application is presented within a period of four weeks from today, the period of pendency of this petition shall be taken into consideration for condonation of delay, if any.

**(B.H. Marlapalle,J.)**